

Signed again 10-30-02  
mailed return receipt  
10-30-02

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**FILED**  
at Santa Fe, NM

DEC 5 - 2002

ROBERT M. MARCH, Clerk  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

69cv07941 JEC-ACE

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

RAMON ARAGON, *et al.*,  
  
Defendants.

RIO CHAMA STREAM SYSTEM  
Rio Cebolla, Section 3  
Subfile No.: CHCB-003-0005

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico  
and Defendant(s):

**JOE M. MADRID  
PHYLLIS MADRID**

concerning the Defendant's right to use the public waters of the Rio Chama Stream System,  
as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Cebolla, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

6971

4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Cebolla, Section 3, is set forth below:

**A. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s)** 01133 - 01167

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface waters of the Rito Cienega Redonda, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch Name:** ALTO DITCH

**Location X:** 1,578,556 feet **Y:** 2,012,106 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 35, Township 27N, Range 04E, N.M.P.M.

Pt. NW $\frac{1}{4}$	0.8 acres
	20.4 acres
Total	<u>21.2 acres</u>

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-003-0005

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

**B. NO RIGHT (Surface Water Only):**

**Office of the State Engineer Files No(s)** NONE

**Priority:** NONE

**Source of Water:** Surface waters of the Rito Cienega Redonda, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

**Purpose of Use:** NO RIGHT

**Point of Diversion:**

**Ditch Name:** ALTO DITCH

**Location X:** 1,578,556 feet **Y:** 2,012,106 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Acreage**

Section 35, Township 27N, Range 04E, N.M.P.M.

	5.8 acres
Total	5.8 acres

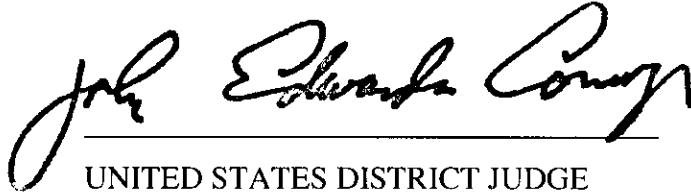
As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-003-0005

**Amount of Water:** NONE

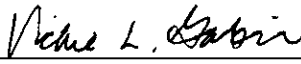
5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Cebolla, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Cebolla, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.

  
UNITED STATES DISTRICT JUDGE


Recommended for approval:

  
SPECIAL MASTER

ACCEPTED:   
PHYLLIS MADRID


ADDRESS: P.O. Box 574  
Canjilon  
N. Mex 87515

DATE: 10-25-02

ACCEPTED:   
JOE M. MADRID

ADDRESS: P.O. Box 574.  
Canjilon  
N. Mex 87515

DATE: 10-25-02

  
EDWARD G. NEWVILLE  
Special Assistant Attorney General

11-28-02  
Date



Legend

- Irrigated Tract Boundary
- No Right Tract Boundary
- ▶ Operable Ditch
- Inoperable Ditch
- Stock Pond / Reservoir
- Point of Diversion
- ⊕ Fallow

Scale  
1 inch = 300 feet

100 0 100 200 300 Feet



STATE OF NEW MEXICO  
Office of the State Engineer  
Thomas C. Turney, State Engineer

Rio Chama Hydrographic Survey  
RIO CEBOLLA SECTION

Subfile Number  
CHCB-003-0005  
Alto Ditch  
AMENDED July 26, 2001

